S.B. CRIMINAL REVISION PETITION NO.504/2006.

Raju @ Ramu @ Ramesh Vs. State

Date of Order:- 14/8/2006.

HON'BLE MR.JUSTICE HARBANS LAL

Mr. D.K. Garg for the petitioner.
Mr. Arun Sharma P.P. for the State.

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This revision petition under Section 397 read with Section 401 Cr.P.C. is directed against the order dated 9/5/2006 passed by the learned Additional Sessions Judge (Fast Track) No.2, Dholpur in Sessions Case No.176/2005 whereby the application filed by the petitioner under Section 311 Cr.P.C. has been dismissed.

Learned counsel for the petitioner has contended that the counsel representing the petitioner in the court below did not cross-examine prosecutrix Manju PW-6 with regard to her statements recorded under Sections 161 and 164 Cr.P.C. So, an opportunity must be afforded to the petitioner to recall the witness for further cross-examination in the interest of justice.

Learned Public Prosecutor has opposed the application on the ground that the order of the learned court below is well considered and well reasoned and if such permission is granted to the petitioner there would be no end to cross-examination because every time another counsel would appear and seek recall of the witness for further cross-examination, on one point or the other.

I have considered the respective submissions made at the bar in the light of the facts of the case.

Admittedly, accused-petitioner has been afforded full due opportunity of cross-examination to the prosecutrix. She has already been cross-examined at length. The statements under Sections 161 and 164 Cr.P.C. were on record at the time of earlier cross-examination. Infact, it appears that cross-examination has been made with regard to the contents of the statements though they have not been confronted. The order of the learned court below rejecting the prayer for further cross-examination of the prosecutrix is well reasoned and the court below has clearly observed that it is not essential to recall the witness for further cross-examination in the interest of justice or for the just decision of the case specially when application in question has been filed belatedly, after fixing three dates for the defence evidence. The court below has also observed that this application under Section 311 Cr.P.C. has been filed to prolong the proceedings.

Thus, considering all the facts and circumstances of the case, I do not find any valid and cogent ground to interfere in the impugned-order in exercise of limited scope of the powers of revision of this Court.

In the result, this revision petition is dismissed.

(HARBANS LAL), J.

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